

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re: BKY No. 14-31123  
Holtkoetter International, Inc., Chapter 11  
Debtor.

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**APPLICATION FOR APPROVAL OF EMPLOYMENT OF  
ATTORNEYS FOR DEBTOR**

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TO: The Honorable Judges of the Court and the United States Trustee

1. The above-entitled case was commenced by the filing of a voluntary petition for relief under chapter 11 of Title 11 of U.S.C. on March 21, 2014.

2. Applicant desires to retain Ralph V. Mitchell and the law firm of Lapp, Libra, Thomson, Stoebner & Pusch, Chartered ("Lapp Libra") to represent it in connection with all matters relating to its chapter 11 case. Applicant believes that its best interest would be served by retaining Lapp Libra to represent it in such matters. Lapp Libra is experienced in such work and is agreeable to performing such services on an hourly charge basis, with such compensation being subject to allowance by this Court.

3. The attorneys and paralegal who will provide these services and their hourly rates are as follows: \$470.00 per hour for Ralph V. Mitchell, \$405.00 per hour for Stephen J. Creasey, \$325.00 per hour for Rosanne H. Wirth, \$170.00 per hour for paralegal Lori A. Frey, \$140.00 per hour for paralegal Nancy I. Spooner, and the normal hourly rate for other attorneys in the firm. In addition, said compensation rates are subject to periodic adjustments.

4. To the best of Applicant's knowledge, neither Lapp Libra nor any of the above-named individuals have any connection with Applicant, the creditors of Applicant, the United States Trustee or employees of the United States Trustee, or any other party in interest, or their respective attorneys.

5. To the best of Applicant's knowledge, Lapp Libra is a disinterested person as that term is defined in 11 U.S.C. § 101(13), and does not hold or represent any interest adverse to Applicant with respect to matters upon which it is to be engaged. Lapp Libra has received no compensation from any party except as stated below in connection with this case except Lapp Libra was paid \$17,500.00, received on March 11, 2014, which was used in part to pay for prepetition work and the balance held in trust as a retainer for the Chapter 11. Prior to the petition date, an entity called Neena's Design Lighting Ltd. purchased the Debtor's order book for \$17,500.00. The Debtor directed Neena's Design Lighting Ltd. to wire transfer the \$17,500.00 directly to Lapp Libra.

6. From the retainer, Lapp Libra has paid the filing fee of \$1,213.00. From the retainer, Lapp Libra has also paid itself for work done prior to the filing in the amount of \$13,655.50. The balance of \$2,631.50 is now being held in Lapp Libra's trust account.

7. Applicant requests that fee applications for Lapp Libra and other professionals in this case be heard on 90-day intervals in the case. Applicant further requests that it be permitted to pay invoices from Lapp Libra as received on a monthly basis, subject to the holdback of 20% of the invoiced fees as provided in Instruction 8(c) of this Court's published Instructions for Filing a Chapter 11 case.

WHEREFORE, Applicant respectfully requests that this Court approve Applicant's employment of the law firm of Lapp, Libra, Thomson, Stoeber & Pusch, Chartered, to represent it for the purposes set forth herein.

HOLTKOETTER INTERNATIONAL, INC.



By: Paul W. Eusterbrock  
Its: President

Dated: March 21, 2014

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**UNSWORN DECLARATION OF RALPH V. MITCHELL**

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I, Ralph V. Mitchell, declare under penalty of perjury that:

1. I am an attorney at law, duly admitted to practice in the State of Minnesota and in the federal courts of the District of Minnesota. I am a shareholder in the law firm of Lapp, Libra, Thomson, Stoebner & Pusch, Chartered ("Lapp Libra").

2. To the best of my knowledge, neither Lapp Libra nor any of its shareholders have any connection with any party holding a claim or other interest adverse to the above-named Debtor or hold any interest adverse to Debtor in matters upon which we are to be engaged.

3. Except as stated herein, to the best of my knowledge, neither Lapp Libra nor any of its shareholders have any connection with the creditors of Debtor, the United States Trustee or employees of the United States Trustee, or any other party in interest or their respective attorneys. Lapp Libra employs three members of the panel of Chapter 7 trustees and has regular interaction with the office of the United States Trustee.

4. To the best of Applicant's knowledge, Lapp Libra is a disinterested person as that term is defined in 11 U.S.C. § 101(13), and does not hold or represent any interest adverse to Applicant with respect to matters upon which it is to be engaged. Lapp Libra has received no compensation from any party except as stated below in connection with this case except Lapp Libra was paid \$17,500.00,

received on March 11, 2014, which was used in part to pay for prepetition work and the balance held in trust as a retainer for the Chapter 11. Prior to the petition date, an entity called Neena's Design Lighting Ltd. purchased the Debtor's order book for \$17,500.00. The Debtor directed Neena's Design Lighting Ltd. to wire transfer the \$17,500.00 directly to Lapp Libra.

5. From the retainer, Lapp Libra has paid the filing fee of \$1,213.00. From the retainer, Lapp Libra has also paid itself for work done prior to the filing in the amount of \$13,655.50. The balance of \$2,631.50 is now being held in Lapp Libra's trust account.

Dated: March 21, 2014

LAPP, LIBRA, THOMSON,  
STOEBNER & PUSCH, CHARTERED

/s/ Ralph V. Mitchell

Ralph V. Mitchell (#184639)  
120 South Sixth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 338-5815

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**UNSWORN CERTIFICATE OF SERVICE**

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I, Janet L. Pipp, declare under penalty of perjury that on March 21, 2014, I emailed a copy of the attached **Application for Approval of Employment of Attorneys for Debtor, Unsworn Declaration of Ralph V. Mitchell, and proposed Order Authorizing Employment of Attorneys** to the entity named below at the email addresses stated below for said entity:

U.S. Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

US Trustee  
[ustpregion12.mn.ecf@usdoj.gov](mailto:ustpregion12.mn.ecf@usdoj.gov)

Executed on: March 21, 2014

/e/ Janet L. Pipp  
Janet L. Pipp, Legal Assistant  
Lapp, Libra, Thomson, Stoeber &  
Pusch, Chartered  
120 South Sixth Street, Suite 2500  
Minneapolis, MN 55402  
612/338-5815

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**ORDER AUTHORIZING EMPLOYMENT  
OF ATTORNEYS**

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Upon the application of Holtkoetter International, Inc. ("Debtor"), in the above-entitled case, and it appearing necessary and appropriate that Debtor be represented by the law firm of Lapp, Libra, Thomson, Stoebner & Pusch, Chartered, in the above-entitled case,

IT IS ORDERED:

1. The employment of **Lapp, Libra, Thomson, Stoebner & Pusch, Chartered, 120 South Sixth Street, Suite 2500, Minneapolis, MN 55402 ("Lapp Libra")**, as attorneys for Debtor in all matters pertaining to the discharge of Debtor's duties under the Bankruptcy Code, is hereby approved;
2. Fee applications by Lapp Libra and other professionals in this case may be heard on 90-day intervals from commencement of this case; and
3. Debtor is authorized to pay monthly invoices of Lapp Libra and other professionals whose retention has been approved by the Court under the procedures found in Instruction 8(c) of the Court's published Instructions for Filing a Chapter 11 Case.

Dated:

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Kathleen H. Sanberg  
United States Bankruptcy Judge